
**Juvenile Justice & Family Law
Committee**

SSB 6609

Brief Description: Revising timelines for sealing juvenile records.

Sponsors: Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Hargrove, Brandland, Regala, Franklin and Rasmussen).

Brief Summary of Substitute Bill

- Revises the time and age limits pertaining to when juvenile court criminal records may be sealed.
- Requires the superior court management information system to automatically retrieve sealed juvenile court records if the person is charged with a subsequent adult felony.

Hearing Date: 2/24/04

Staff: Sonja Hallum (786-7092).

Background:

The official juvenile court file of a juvenile offender is open to the public unless the file has been sealed by court order. If a juvenile court grants a motion to seal a record, the court vacates the original adjudication and orders the record to be sealed. Thereafter, the proceedings in the case are treated as if they never occurred.

Prior to 1997, a juvenile record could be sealed if the court found that two years had elapsed from the time of the adjudication and that no criminal proceeding was pending against the person. In 1997, the juvenile record sealing statute was changed to the current statute as a part of a comprehensive modification of the juvenile court system.

Currently, juvenile records relating to class A or sex offenses may not be sealed. Juvenile records relating to other offenses may be sealed after the juvenile is 18 years of age, all restitution has been paid, if there are no proceedings pending against the person, and he or she has spent a specified number of years in the community without committing a criminal offense.

The length of time a person must spend in the community without committing an offense depends on the seriousness of the offense the person is seeking to seal:

- Class B offense records may be sealed if the offender has spent 10 years in the community without committing an offense;
- Class C offense records may be sealed after the offender has spent five years in the community without committing an offense;
- Gross misdemeanor offense records may be sealed after the offender has spent three years in the community without committing an offense; and
- Misdemeanor offense and diversion records may be sealed if the offender has spent two years in the community without committing an offense.

Summary of Bill:

The bill eliminates the requirement that an offender be at least 18 years old before records relating to eligible offenses may be sealed. Therefore, a juvenile offense record may be sealed prior to the juvenile reaching 18 years of age.

The time a person must spend in the community without committing an offense before his or her record may be sealed is decreased. However, the law relating to juvenile records for class A or sex offenses remains the same and these records may not be sealed. For all other offenses which may be sealed, the following time limitations apply:

- Class B offenses may be sealed if the offender has spent five years in the community without committing an offense; and
- Class C, gross misdemeanor, misdemeanor offenses, and diversions, may be sealed after the offender has spent two years in the community without committing an offense.

The Administrative Office of the Courts must ensure that superior court information system automatically retrieve an individual's sealed juvenile records whenever the person is charged with an adult felony.

Appropriation: None.

Fiscal Note: Available (see fiscal note for SHB 3078).

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.